

Chapter 18

Placement & Post-Employment Services

18.1 Authority: 34 CFR 361

18.2 Policy

USOR policy requires, as appropriate to individual needs, provision of job placement assistance in achieving an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. USOR policy also requires that a successful employment outcome meet the definition of competitive and integrated as outlined in 34 CFR 361.5(c)(9). Job placement services are not subject to financial need or the availability of comparable services and benefits.

Once competitive, integrated employment placement is achieved, the need for Post-Employment services will be assessed by the VR Counselor prior to closure of the client record. Post Employment Services may also be identified post client record closure. Post-Employment services are subject to the financial needs policy outlined in CSM 8.

18.3 Definitions

- a. **Career Advancement** means preparing to qualify for official promotions with the current employer or a different employer, preparing for more responsibility and compensation by advancing in a formal career or job series, obtaining industry recognized credentials that result in additional responsibilities, compensation, and/or benefits.
- b. **Competitive, Integrated Employment** means work performed on a full-time or part-time basis which meets all criteria for competitive and integrated as outlined below.
 - i. Competitive refers to work that is performed on a full-time or part-time basis (including self-employment) and for which the client's compensation meets all of the following criteria:
 - A. Is at least minimum wage
 - B. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills;
 1. Note: If the client will be self employed the earnings must result in an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
 - C. Is eligible for the level of benefits provided to other employees.
 - ii. Integrated refers to the employment setting and requires a location that meets all of the following criteria:

The location is typically found in the community;

- A. The location allows the client to interact for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons;
 - B. The client has access to, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.
- b. **Job Placement** means a series of activities that occur during the VR process designed to bring about competitive, integrated employment consistent with the client's primary employment factors and informed choice
 - c. **Job Retention** means taking actions to prevent job loss of a currently held employment position that is at risk due to disability related factors.
 - d. **Post-Employment Services** means one or more services needed for an individual to maintain, regain, or advance in employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

18.4 Assessing Job Readiness

Job readiness is the crucial factor in the success of job placement activities. VR Counselors utilize their professional skills and experience to assess each client's readiness for job placement activities and addresses deficiencies with remedial skills training and development prior to engaging in job placement activities. Research indicates that five general factors can be assessed to determine client job readiness. The five factors include:

- a. Attitudes:
 - i. Does the client have realistic expectations about employment, the labor market, and career development?
 - ii. Does the client have realistic expectations of salary and benefit packages?
 - iii. Is the client motivated to enter, retain, or engage in employment?
 - iv. Is the client realistic in their expectations of working conditions, potential work schedules, possible relocation needs consistent with their vocational goal?
 - v. Is the client dependable, stable, and engaged in their employment plan?
 - vi. Is the client cooperative and do they have the "soft-skills" to be successful in the workplace?
 - vii. Are they truly available and ready to engage in job searching activities and employment?
- b. Skills, Education & Experience:
 - i. Does the client have the necessary technical skills, knowledge, or experience that typical employers seek?
 - ii. Does the client have adequate training and/or education to compete in the labor market?
 - iii. Does the client need therapeutic or remedial skills development in order to accept supervision, work with other people, or cope with workplace stress?

- iv. Does the client have a work history? What transferrable skills can they use in other jobs? What issues were encountered in past employment that may need to be addressed prior to job placement?
- v. Does the client have a realistic understanding of job seeking skills like applying for jobs, introducing themselves to potential employers, resume writing skills, interview skills, and follow-up skills?
- c. Physical Factors:
 - i. Is the client physically able to perform the essential functions of the job?
 - ii. What restoration might remediate these physical limitations?
 - iii. Does the client have reliable transportation to get to and from interviews and work?
 - iv. Does the client have an awareness and understanding of their disability and the limitations it may impose?
- d. Psychological Factors:
 - i. Does the client have an awareness and understanding of their disability?
 - ii. Is the client stabilized to the point of being able to deal with work stressors?
 - iii. Is the client able to react to supervisors and co-workers in an appropriate manner?
 - iv. Does the client have the social skills and coping skills necessary for successful employment?
 - v. Are there any unaddressed substance use issues or personality issues that may threaten successful employment?
- e. Personal Factors:
 - i. Does the client have other needs that, if unaddressed, would threaten employment?
 - ii. Do they have the ability to address child care needs?
 - iii. Do they have a support system developed that makes employment a priority?
 - iv. Does the client have suitable clothing for interviews and work?
 - v. Does the client have hygiene or behavioral issues that need to be addressed?
 - vi. Is the client aware of the effects that employment may have on other benefit programs they may be depending upon? How prepared are they to potentially lose SSI/SSDI, food stamps, housing subsidies, Medicaid, etc.?
 - vii. Does the client have reliable transportation to engage in job search and employment?

18.5 Job Placement Services

The following job placement activities or services may be provided based on individual client needs:

- a. Comprehensive Assessment of Rehabilitation Needs designed to identify the eligible individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and provide informed choice.
- b. Vocational Rehabilitation Counseling and guidance addressing the individual's understanding and adjustment to disability, understanding of employment skills including "soft-skills", interview skills, and understanding the labor market.
- c. Job placement strategies designed to address client needs related to employment preparation, job seeking skills, and job retention skills.
- d. Provision of employment readiness assessments prior to the initiation of job search activities, including assessment of job seeking and job retention skills, and other needs related to successful acquisition of employment.

- e. Utilization of structured follow-up process during job search activities to provide VR Counseling, support, job market information, and job placement assistance as necessary.
- f. Referral to partner agencies in Utah's one-stop workforce development system.
- g. Referral and use of Choose to Work Utah.
- h. Provision of Job Coaching, job placement, and supported employment for placement and retention services.
- i. Development of On-The-Job training opportunities.
- j. Provision of follow-up services during early stages of employment to provide support and insure that both client and employer are satisfied.
- k. Assess and document the need for post-employment services at closure.

18.6 Job Placement Responsibilities

Job Placement is an integral part of the IPE and a key component to successful vocational rehabilitation. Job Placement is the responsibility of the VR Counselor and client working in partnership through the counseling relationship. Other professionals may be brought into this partnership, as appropriate, including but not limited to DWS Employment Counselors, Choose to Work Employment Specialists, SE/SJBT Job Coaches, etc.

- a. Client Responsibilities in Job Placement:
 - i. Develop realistic expectations about the labor market, employment, and career development.
 - ii. Be cooperative, active, and fully participating job seeker.
 - iii. Be punctual and keep commitments.
 - iv. Obtain necessary job skills.
 - v. Follow through with appointments, interviews, assessments, etc.
 - vi. Exhibit work appropriate behaviors.
 - vii. Take ownership of and active role in job seeking activities.
 - viii. Accept job offers consistent with the IPE, primary employment factors, and informed choice.
- b. VR Counselor Responsibilities in Job Placement:
 - i. Assess job readiness realistically and address deficits with remedial training, counseling, or skills development.
 - ii. Assist with job search activities including, as appropriate, direct job placement activities.
 - iii. Provide VR Counseling and guidance regarding work attitudes, expectations, labor market information, behavioral issues, etc.
 - iv. Make referrals to appropriate employers and/or other professionals who can assist with placement activities.
 - v. Teach job-seeking skills, job retention skills, resume writing, interviewing, etc.
 - vi. Coordinate, communicate, and facilitate services arranged from partner professionals such as Job Coaches, Choose to Work Employment Specialists, DWS Employment Counselors, etc.
 - vii. Motivate client to take ownership of, and active role in job seeking activities.
 - viii. Support client's to retain newly accepted employment by communicating and assessing the need for additional support and/or Post-Employment services.

18.7 Collaboration with WIOA core partners

As a core partner in Utah's Workforce Innovation and Opportunity Act (WIOA) efforts USOR coordinates employment services with the Workforce Development Division and other entities that make up the "One-stop" system. This cooperative effort facilitates coordinated and non-duplicative services among the core and required partners. USOR is an active participant in the Comprehensive One-Stops (American Job Center) and affiliate sites providing access to VR Services in collaboration with WIOA partners. In addition the Workforce Development Division and USOR partner in the Choose to Work Project to assist individuals with disabilities achieve placement in competitive, integrated obtaining employment. Participants receive individualized job development, benefits counseling, support services, placement and follow-up services. Contact local CTW Employment Specialist for specific referral information.

18.8 Employment Outcome

Employment outcome means entering or retaining full-time or, if appropriate, part-time competitive, integrated employment with or without supports that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. VR Counselors should document that an individual determined to be rehabilitated, has achieved and maintained competitive integrated employment consistent with the IPE for at least 90 days. [34 CFR 361.56(b)] The Criteria for determining a rehabilitated employment outcome includes:

- a. An occupation may be considered satisfactory when, after a reasonable adjustment period (no less than ninety days following hire) it has been confirmed that the following conditions have been met insofar as possible:
 - i. Both the client and employer are satisfied.
 - ii. Supervision is stable.
 - iii. The client is maintaining adequate interpersonal relationships and acceptable behavior in the job environment.
 - iv. The occupation is consistent with the client's primary employment factors and informed choice. (In this respect it should be understood that a client may elect to go to work in a setting somewhat at variance with recommendations and that if the client has been alerted to such variance of opinion and still chooses an un-recommended occupation, the job may be considered satisfactory.
 - v. The client possesses acceptable skills to perform or continue the work satisfactorily.
 - vi. The employment and working conditions will not aggravate the client's disability, and the client's disability in the job situation will not jeopardize the health or safety of himself or others.
 - vii. The employment is regular, reasonably permanent, and meets all of the criteria for competitive, integrated employment
- b. Exceptions/Special Conditions
 - i. In some situations, a client may be considered satisfactorily placed if some of the conditions are not completely apparent. For example, the client may desire to accept or remain on a job which, in the opinion of the VR Counselor, is not compatible with his/her physical capacities or his/her mental and educational abilities, or is not sufficiently permanent to assure his/her continued self-support. Good counseling recognizes the client's right to make such choices. The VR Counselor's obligation is to help clients understand their own situations, to give them adequate information upon which to base decisions, and to encourage them to pursue the most satisfying plan and

objective. However, when a client accepts a job which fails to meet one or more the criteria of being satisfactory, the VR Counselor would assure that:

- A. Explanation has been given to the client concerning the inappropriate aspects of the job.
- B. The client has exercised informed choice in light of all the facts.
- C. The client has been informed, in the event the job does not prove satisfactory or the need arises for further services, he/she may reapply for vocational rehabilitation services.

The client record should clearly indicate the justification for closing the client under these exceptional circumstances, including alternatives which were considered.

ii. Armed Services.

Clients who are accepted for the Armed Services can be considered as satisfactorily placed.

iii. Non-Competitive, Non-integrated outcomes

Employment that does not meet the criteria for competitive , integrated employment is not a successful placement outcome and cannot be supported with VR Services. However, there may be instances in which a client elects to pursue, obtain and/or maintain non-competitive employment as part of his or her informed choice. If the client still wishes to pursue competitive, integrated employment in addition to non-competitive employment, the VR Counselor should continue to develop and work toward the competitive, integrated employment goal. If, competitive, integrated employment is not the client's goal, the VR Counselor should proceed with closure. Some of the non-competitive outcomes a VR Counselor may encounter includes:

A. Homemaker and Unpaid Family Worker

Homemaker refers to individual's whose activity is keeping house for their families or themselves if they live alone. Unpaid family workers are individuals who are working in a family business or farm without receiving monetary compensation for work.

B. Institutions

Persons who are in medical or training institutions (e.g. the State Training School) and whose disabilities are chronic may choose to pursue non-competitive, non-integrated employment within that institution or in partnership with a local business.

C. Correctional Institutions

Individuals in correctional institutions should not be considered to be rehabilitated until (a) they have been released from the institution and placed in employment in the community, or (b) they have been placed in a work release program. If rehabilitation services are successful only to the extent of enabling a disabled incarcerated public offender to become employed within the correctional setting, such as in prison industry, the requirements of an employment outcome are not met. It is often difficult to predict a release date from the institution, and thus some flexibility should be exercised in attempting to synchronize the completion of a vocational rehabilitation program with a projected release date. As in all cases, the rehabilitation plan should provide for a continuum of services.

D. Extend Employment

Extended Employment is work in a non-integrated or sheltered environment and is not considered an allowable employment outcome. 34 CFR 361.5(c)(18)

18.9 Post-Employment Services

USOR is required to assess the expected need for post-employment services after an appropriate employment outcome has been achieved. Post-employment services are provided after clients have been determined to be rehabilitated to assist those in need of such services to maintain or regain other satisfactory employment outcomes. There shall be an understanding between the VR Counselor and client that when post-employment services are provided, the vocational rehabilitation program cannot and should not be looked up to provide all such services over the individual's entire career. VR Counselors should assist clients in understanding the expected durability of AT and other tangible items needed for their employment, and help them develop a plan for replacing such items from wages as the need arises in the future.

When Post-Employment services are needed, a carefully planned course of action developed jointly by the VR Counselor and client is required. This includes projecting a point in time when the goal of self-sufficiency and job stability is expected to be achieved, any continuing use of available comparable services and benefits supported by other resources, and the individual's own resources. Post-employment services will be the inclusive term for all services provided after clients have been determined to be rehabilitated, without distinctions or definitions for follow-up, follow-along and other post-employment services. This definition, however, should not be confused with extended services described in [34 CFR 363.1(c)(19)] concerning placement in supported employment.

18.10 Scope & Duration of Post-Employment Services

Post-employment services include any vocational rehabilitation services or combination of services necessary to assist the individual in maintaining employment. The service or several services should not entail a complex or comprehensive rehabilitation effort unrelated to the original IPE. Post-employment services should not be construed to mean a complete rehabilitation process. Instead, post-employment services are intended to be responsive to various previously identified, emergent, or persisting problems and to supplement the substantial services provided prior to a determination as rehabilitated. If comprehensive services are indicated, a new application, evaluation and determination of eligibility shall be made. If eligible, a new client record shall be opened and a new IPE initiated.

Federal regulations prohibit the setting of durational limits on the provisions of post-employment services. The duration of post-employment services shall be determined on an individual basis. Services may include a one-time service or a combination of services provided over a period of time. Some post-employment services required by a particular individual to maintain his/her employment may not fall within the scope of vocational rehabilitation services. This might include basic living expenses or an attendant to assist the individual to dress, prepare meals and do other tasks in the home which the individual cannot do alone. In the case of an attendant, while rehabilitation cannot provide continuing attendant services, specific arrangements for obtaining such services could be included in the post-employment program for that individual utilizing other agencies and resources, including those of the individual.

Approval Levels

The decision to open a client record for Post Employment Services may be made by the VR Counselor the first time Post Employment Services are provided following a successful employment outcome. However, once the client record has been closed from Post Employment Services, subsequent requests for Post Employment Services must be approved by the VR Counselor's supervisor through a Client Service Recommendation. The Client Service Recommendation should address if the request for Post Employment Services is a repeat of the previous request or a new service. If it is a new request, the VR Counselor should consider whether Post-Employment Services are necessary or if emergent needs necessitate a new application for VR Services prior to requesting approval. If the Post-Employment Services are a repeat of the previous request or are stemming from the same cause, the VR Counselor should examine and explain how the issue may be mitigated more permanently if the case is reopened again for Post Employment Services.

All policies, including purchasing policy and approval levels in Chapter 12 and financial needs requirements in Chapter 8 apply to the provision of Post Employment Services. VR Services that require supervisory approval when accumulated to approval thresholds do not reset for Post Employment. Instead, VR Services provided as Post Employment Services are considered as contributing the total services used in the life of the case.

18.11 Criteria for Providing Post-Employment Services

The need for post-employment services should be identified as soon as possible in order to insure that previous data and rehabilitation efforts have not lost relevancy and significance for the provision of post-employment services. When individuals have not been provided services for over one year, careful reassessments shall be made to determine the exact nature of services needed and whether or not post-employment services are appropriate. In order to receive Post-Employment services:

- a. The individual must have been determined to be rehabilitated (Client Record closure Status Rehabilitated).
- b. Post-employment services are necessary to assist the individual in maintaining employment or career advancement; and
- c. The solution of the issue does not entail a complex or comprehensive rehabilitation effort, i.e., a new and distinct problem has not arisen. If a new, distinct problem has arisen, it may be handled more appropriately as a new case under a new determination of eligibility and a new IPE.

18.12 Other Considerations for Post-Employment Services

- a. Financial Need: A financial need determination is required in establishing eligibility for post-employment services due to the client's employed status. The procedure followed shall be the same as that utilized for regular rehabilitation services.
- b. Comparable Services & Benefits: Post-Employment services are subject to the availability and utilization of comparable services and benefits. Procedures and requirements are identical to those outlined for regular VR services. (See Chapter 9)
- c. Acute Conditions: Expenditure for medical care for acute conditions under post-employment services is not allowed. Acute conditions should, however, be carefully distinguished from

exacerbations or recurring problems of existing slowly progressive or stabilized conditions, some of which may have been predicted in the IPE such as genitourinary infections and pressure sores related to paraplegia, or care for stabilization of diabetes.

- d. Time: Post-employment services may be appropriate any time after the case has been closed in Status-Rehabilitated. This is a professional judgment made by each VR Counselor however it is realistic to assume, however, that a one year limit would be appropriate.
- e. Career Advancement: Post-employment services should not be provided simply to upgrade an individual's financial status. However, Post Employment Services may be appropriate if the rehabilitated individual is experiencing disability related barriers to advancement opportunities within the employment goal from his/her IPE. VR Counselors should ensure that disability related barriers are due to a previously identified disability and not a new condition which warrants a new VR application. In this case, Post Employment services are intended to facilitate job retention or career advancement in the same career field as the individual achieved as a result of the previously provided VR services. In such cases the vocational goal should be:
 - i. More apt to maintain the individual in employment;
 - ii. Closely related to the existing job and does not entail an extended training period and change of occupation, i.e., has a relatively simple solution and
 - iii. Likely to significantly improve the level of independence resulting either in a substantial reduction or termination of post-employment services.

18.13 Post-Employment Procedure

- a. Determine if Post-Employment Services are appropriate
Not all successfully rehabilitated individuals will need or should be provided post-employment services. The need for Post-Employment services should be individually assessed and based on VR Counselor professional judgment. In all instances, individuals must be informed as part of the "closure as rehabilitated" process that:
 - i. They may be eligible to receive necessary post-employment services;
 - ii. There is a purpose, scope, and needed plan for such post-employment actions; and
 - iii. They should get in touch with the VR Counselor, especially during the first year following the determination as rehabilitated, before leaving their job, if any problems arise jeopardizing their job.

VR Counselors should use all of the criteria outlined in sections 18.9 through 18.12 to determine if Vocational Rehabilitation Services provided through Post-Employment Services is the appropriate method to meet the individual's disability related employment need or if a new VR client record is needed to address the nature and scope of the issues.

If Post-Employment Services are determined necessary and appropriate, the VR Counselor will locate the client record that was closed successfully rehabilitated in AWARE. The VR Counselor will document the need for post employment as per 18.13.b and amend the IPE to include the Post-Employment Services as per 18.13.c. The Post Employment plan requires VR Counselor and client signatures prior to implementation.

Note: VR Counselors should not alter any of the client's AWARE data pages with the exception of contact information (address, phone number, etc).

b. Documentation

There must be sufficient documentation in the client record to justify the need for post-employment services and to explain why such services are necessary to maintain the individual in employment. When post-employment services are contemplated, entries must be made of the present employment situation and any new factors cited which would be significant in determining whether to provide post-employment services or to treat it as a new case. In developing this summary duplication of existing information in the client record should be avoided except for references to the appropriate data. All new information should be recorded in case notes as 911 updates are unnecessary and may create conflicts with RSA reporting.

c. Develop Post Employment IPE

An amendment to the IPE developed and maintained under the same principles of client involvement is required. It should contain descriptions of the type and extent of services planned and how they will be provided. Specific objectives and evaluation criteria should be identified. Notations should be made at significant times during the process including assessments of progress and at the conclusion or termination of services indicating the results.

d. Closing Case from Post Employment

The decision to terminate Post-Employment services should be made on an individual basis in consultation with the individual and recorded in the amended IPE. The VR Counselor will need to work with the individual to achieve a satisfactory level of self-sufficiency independent of the post-employment support. In making such decisions, the following factors should be taken into account:

- i. Satisfactory remediation of the precipitating problem requiring post-employment services;
- ii. Attainment of sufficient independence to function without continuing post-employment services, or a VR Counselor's professional judgment to discontinue services;
- iii. Employment appears secure as determined by continuing satisfactory work performance, job satisfaction, and acceptance in the particular employment setting with respect to employee benefits, and opportunities for job advancement;
- iv. Employment continues at a level consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When closing a client from Post Employment Services the following options are available:

- A. **Maintained/Regained Employment:** Select this option if the VR Counselor provides Post Employment Services and the client successfully maintains the employment at which he/she was previously closed or regains other suitable employment.
- B. **Closed Unemployed, Reopening VR Case:** Select this option if events occur that add complexity and require a new plan to be written and the VR Counselor determines that a new VR case is required to address the individual's employment needs. This will require a new application and eligibility determination.

- C. **Lost Job, No Further Services At This Time:** Select this option if the VR Counselor provides Post Employment Services and events occur to cause an unsuccessful case termination such as death of client, long-term institutionalization or client is not available for additional rehabilitation efforts. Once the date and outcome status are entered, the Post Employment client record is successfully closed.